

hoop is moved beyond said first position said hoop engages said bottom portion in a straight relationship which minimizes any tendency of said hoop to become cocked.--

b' 32¹ ~~29~~. The method in accordance with claim ~~27~~¹ in which step (A) includes providing said fixing ring as a unitary structure molded from a thermoplastic material.

REMARKS

It is respectfully requested that the Examiner allow the Continued Prosecution Application filed May 4, 2000, along with the new dependent claims 28 and 29 presented herein, in view of the Examiner's decision to withdraw the independent claim 27 rejection set forth in the Office Action dated November 9, 1999.

The Interview

The courtesies extended by the Examiner to the applicant's attorney, Paul Odell, and inventor de Pous during an interview on May 8, 2000 are gratefully acknowledged.

During the interview, the applicant's attorney discussed the U.S. Patent Nos. 4,773,553 and 5,299,703 along with the present application claim 27 and the subject matter of the new dependent claims 28 and 29 presented herein. A specimen of a commercial product in accordance with the invention was shown. Also shown was a specimen of a commercial product in accordance with the design substantially as illustrated in FIG. 12 of the cited U.S. Patent No. 4,773,553. Also shown were photographs of each product before and after installation with a pump on a bottle, which installation was cut open to reveal interior detail that was enlarged in the

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photographs. Enclosed are photographs R-1, R-2, R-3, and R-4 of the product corresponding to an embodiment disclosed in U.S. Patent No. 4,773,553. Enclosed are photographs V-1, V-2, V-3, V-4, V-5, V-6, V-7, and V-8 corresponding to an embodiment disclosed in the instant application.

The Examiner agreed that claim 27 was allowable as originally filed and that the subject matter of new dependent claims would be allowable. The Examiner stated that the rejection of claim 27 would be withdrawn.

The Claim Amendments

Claims 28 and 29 have been presented to set forth some additional features, such as the "guide crown" and the step of molding the fixing ring from a thermoplastic material. Support for the new dependent claims is found in the application specification and drawings as originally filed.

The Claim Rejections

Claim 27 had been rejected as obvious under 35 U.S.C. §103(a) over Van Brocklin U.S. Patent No. 4,773,553. Claim 27 had also been rejected as obvious under 35 U.S.C. §103(a) over Cater U.S. Patent No. 5,299,703.

--The Rejection Over Van Brocklin

In the Office Action, Item 3 states that "Van Brocklin discloses an assembly for securing and sealing a dispenser to a flanged container having...a bottom portion with inwardly extending snap-fastening projections 46. (Emphasis added.)"

However, at the interview, the applicants' attorney pointed out that Van Brocklin does not refer to any structure that provides a snap-fit engagement as is

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called for in the instant application claim 27. Rather, the Van Brocklin reference number 46 refers to a deformable tab which is deformed into an inwardly extending shape only after the assembly is installed onto the container flange. The operation of the deformable tabs 46 is described in the Van Brocklin patent as follows (col. 6, lines 19-28):

During movement of the sealing collar with respect to the flange, the tabs 46 are blocked from radially inward movement until they reach the position shown in FIG. 2. The collar ring 28 when it contacts the upper surface of the flange limits further movement of the collar with respect to the flange. Thereafter, as the mounting cup 24 is forced axially downwardly by the annular ring 62, the step 54 urges the camming surface radially inwardly and thus deforms the tabs to the position shown in FIG. 2.

The Examiner properly concluded from his observations of the Van Brocklin patent figures that its sealing collar does not have any inwardly extending snap-fastening projections (and the Examiner agreed that such a conclusion was consistent with the Van Brocklin product specimen and the Van Brocklin cut-open specimen photographs (copies attached hereto)). Indeed, this requirement that the sealing collar of the Van Brocklin patent not have any inwardly extending snap-fastening projections is confirmed in the Van Brocklin claims which all require that the sealing collar must have "an interior surface consisting essentially of a cylindrical shape" (see, e.g., claim 1, col. 9, lines 35-38).

The Examiner further concluded correctly that, in contrast with Van Brocklin, the assembly method of the present invention employs a snap-fastening system¹ (e.g.,

¹The application points out that such snap-fastening systems are exemplified by Greene U.S. Patent No. 2,723,773 (see page 1, lines 13-14).

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with tabs 12 which each includes a snap-fastening catch 13 at its bottom end that projects from the inside surface of the ring 10 so that, as set forth in the instant application at page 13, lines 14-20, each catch 13 and tab 12 can be moved together outwardly a little when sufficient downward force is applied to the ring 10 so as to enable it to pass over, and then snap in behind, the neck of the receptacle. The initial installation step and final installation configuration of the present invention method can be seen in the instant application figures and in cut-open specimen photographs (copies enclosed).

In view of the above-noted differences, the Examiner concluded that Van Brocklin did not render obvious the method of claim 27, and that the rejection of claim 27 over Van Brocklin should be withdrawn.

--The Rejection Over Cater

At the interview, the applicants' attorney pointed out that Cater discloses a system for attaching a dispenser to a glass container, and the system employs a metal ferrule which has a plurality of spaced, metal fingers (e.g., finger upper sections 110 and finger lower sections 112 as shown in FIGS. 1 and 2). The fingers must be bent or deformed inwardly in order to lockingly engage the lower edge of the container flange as shown, for example, in FIG. 1. As set forth in Cater, at column 1, lines 60-64, a second cylinder (e.g., cylinder 116 in FIG. 1) engages the fingers and forces them inwardly until the fingers are disposed in locking engagement with the flange.

In contrast, in the present invention as set forth in subparagraph (C) of claim 27 of the instant application, the assembly method employs a different process using a

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snap-fastening system. The snap-fastening projection is caused to first "temporarily deflect resiliently outwardly over said receptacle flange" and then moves inwardly into a snap-fastening engagement with the flange prior to the hoop moving down alongside the exterior surface of the snap-fastening projection.

Further, as set forth in subparagraph (B) of claim 27, the fixing ring top portion and hoop (e.g., top portion 14 and hoop 20 in FIG. 5 and 4(c)) have "interfering configurations preventing movement of said hoop beyond said first position when said hoop is subject to any axial thrust force less than a predetermined axial thrust force." Further, as set forth in subparagraph (C) of claim 27, the "hoop deforms said fixing ring top portion inwardly along at least a part of the axial length of said top portion above the snap-fastening projection" when the hoop is subjected to a second axial thrust force at least as great as the predetermined axial thrust force so as to move the hoop downwardly along the fixing ring (to the position shown in FIG. 4(c), for example).

In view of the above-noted differences between the disclosure of Cater and the method set forth in independent claim 27, the Examiner agreed to withdraw the rejection of claim 27 over Cater.

Claim 27 Is Allowable

In view of the Examiner's agreement to withdraw the rejections of claim 27, claim 27 is allowable. Accordingly, allowance of claim 27 is respectfully requested.

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New Claims 28 And 29 Are Allowable

Claims 28 and 29 are each directly dependent upon claim 27. Claims 28 and 29 each therefore includes all of the features of claim 27 discussed above. The Examiner agreed that new dependent claims incorporating the subject matter of claims 28 and 29 would be allowable. Such allowance is earnestly solicited.

Further, it is believed that this entire application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

By

A handwritten signature in cursive script, appearing to read "Paul M. Odell", written over a horizontal line.

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D. C. 20231 on May 17, 2000.

A handwritten signature in cursive script, appearing to read "Paul M. Odell", written over a horizontal line.

Paul M. Odell

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